IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE A.K.BASHEER

TUESDAY, THE 16TH OCTOBER 2007 / 24TH ASWINA 1929

MACA.No. 1750 of 2007

(O.P. (M.V) No 1818 of 1999 on the file of the Motor Accidents Claims Tribunal, Ernakulam)

APPELLANT/PETITIONER

O.V.RAMACHANDRAN, AGED 62 YEARS,
S/O. VELAYUDHAN, OLIPARAMBIL HOUSE,
NEAR MAHILA SAMAJAM, S.N.PURAM, THAIKKATTUKARA,
ALUVA VILLAGE.

BY ADV. SRI.ANIL S.RAJ

RESPONDENTS: RESPONDENTS
---

1. K.M.NASARUDDIN,
PALLIKUNNEL HOUSE, HIGHWAY BYE PASS ROAD,
NEAR NEW MOSQUE, NETTOOR, ERNAKULAM.

2. K.PONNUSAMY, S/O. KUPPUSAMY,
NEAR VEDIKKARAMPATTY, PAGANATHAM P.O.,
KARUR DISTRICT, TAMIL NADU.

3. THE ORIENTAL INSURANCE COMPANY LIMITED,
NEAR GOVERNMENT HIGH SCHOOL, EDAPPALLY,
COCHIN-682 024.

4. THE UNITED INDIA INSURANCE COMPANY
LIMITED, DIVISIONAL OFFICE, COCHIN-682 016.

THIS MOTOR ACCIDENT CLAIMS APPEAL HAVING COME UP FOR ADMISSION ON 16/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.S. RADHAKRISHNAN & A.K. BASHEER, JJ.

M.A.C.A. No 1750 of 2007

Dated: 16th October 2007

JUDGMENT

Radhakrishnan, J.

Claimant is the appellant. Accident is not disputed; so also the insurance coverage. The only question to be decided is whether the compensation awarded by the Tribunal is just and proper.

2. Counsel for the appellant submitted that adequate compensation has not been granted for permanent disability. Exts. A11 and A12 are the medical certificates produced by the claimant. It is stated therein that the claimant was having post-traumatic epilepsy and recurrent respiratory infection, periodic speech disturbance and afaxia. Certificates were not proved. However, a sum of Rs 30,000/- was awarded by the Tribunal under this head, which, in our view, is just and proper. Further, we may indicate that appellant has not cared to give any oral evidence by himself or by examining the doctor. On the basis of the evidence available before the Tribunal, a sum of Rs 89,500/- was awarded in all towards compensation

with interest at 7.5% per annum from the date of petition till payment which does not call for interference by this court. Appeal is therefore dismissed.

Sd/-

K.S. RADHAKRISHNAN
Judge

Sd/-
A.K. BASHEER
Judge

16/10/2007
en

[true copy]